

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                           |   |           |
|---------------------------|---|-----------|
| UNITED STATES OF AMERICA, | ) |           |
|                           | ) |           |
| Plaintiff,                | ) | 8:22CR200 |
|                           | ) |           |
| vs.                       | ) |           |
|                           | ) |           |
| MARK A. SMITH,            | ) | ORDER     |
|                           | ) |           |
| Defendant.                | ) |           |

This matter is before the court on the defendant's Unopposed Motion to Continue Trial [72]. For the reasons set forth in the motion, the undersigned magistrate judge finds good cause to grant the continuance. Accordingly,

**IT IS ORDERED** that the Unopposed Motion to Continue Trial [72] is granted, as follows:

1. The jury trial, now set for November 28, 2023, is continued to **February 27, 2024**.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and February 27, 2024**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

**DATED: November 2, 2023**

**BY THE COURT:**

**s/Michael D. Nelson  
United States Magistrate Judge**